

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE July 18, 2006		(3) CONTACT/PHONE Mike Wulkan, Senior Planner, (805) 781-5608	
(4) SUBJECT Request to adopt a resolution for submittal to the California Coastal Commission to amend the County's previous submittal to the Coastal Commission of the Estero Area Plan update, approved by the Board of Supervisors on November 2, 2004; County File No. G970022X					
(5) SUMMARY OF REQUEST Request by the County of San Luis Obispo to adopt a resolution for submittal to the California Coastal Commission to amend the County's previous submittal to the Coastal Commission of the Estero Area Plan update (Local Coastal Program Amendment No. 2-04), approved by the Board of Supervisors on November 2, 2004. The Estero Area Plan update is to be amended to consist of the updated portions of the area plan that apply to the Cayucos urban area and the rural area, as approved by the Board of Supervisors on November 2, 2004 and submitted to the Coastal Commission in December 2004, plus the <i>existing</i> area plan language currently in effect that applies to the Los Osos urban area, without making any other substantive changes. The Estero Area Plan is the plan for land use and transportation that covers approximately 71.5 square miles in the central coastal area of the county from Point Estero on the north to Point Buchon on the south. The Estero Area Plan update includes land use and transportation goals, policies, and programs; land use categories (zoning); combining designations (special zoning overlays); and planning area (special development) standards.					
(6) RECOMMENDED ACTION That the Board of Supervisors: Adopt the attached resolution for submittal to the California Coastal Commission that will allow the Cayucos and rural portions of the Estero Area Plan update to proceed separately from the Los Osos portion of the update.					
(7) FUNDING SOURCE(S) Current County Budget		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Los Osos Community Advisory Council, Cayucos Citizens Advisory Council, California Coastal Commission					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input checked="" type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input type="checkbox"/> All			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board N/A
(16) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est.: 60minutes) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A			(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input type="checkbox"/> N/A Dates: 11/02/04
(23) ADMINISTRATIVE OFFICE REVIEW <div style="text-align: right; font-family: cursive; font-size: 1.2em;">OK Leslie Brown</div>					

C3-18-06
7-18-06



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS
FROM: MIKE WULKAN, SENIOR PLANNER
VIA: JOHN EUPHRAT, AICP, DIVISION MANAGER, LONG RANGE PLANNING
DATE: JULY 18, 2006

SUBJECT: REQUEST TO ADOPT A RESOLUTION FOR SUBMITTAL TO THE CALIFORNIA COASTAL COMMISSION TO AMEND THE COUNTY'S PREVIOUS SUBMITTAL TO THE COASTAL COMMISSION OF THE ESTERO AREA PLAN UPDATE, APPROVED BY THE BOARD OF SUPERVISORS ON NOVEMBER 2, 2004; COUNTY FILE NO. G970022X

RECOMMENDATION

That the Board of Supervisors:

Adopt the attached resolution in Exhibit A for submittal to the California Coastal Commission that will allow the Cayucos and rural portions of the Estero Area Plan update to proceed separately from the Los Osos portion of the update.

DISCUSSION

On November 2, 2004, the Board of Supervisors approved the Estero Area Plan update for submittal to the California Coastal Commission. The update included: proposed amendments to the Estero Area Plan and Circulation Element of the Local Coastal Program and County General Plan, and related revisions to the San Luis Obispo Area Plan, Land Use Ordinance Chapters 22.92 and 22.108 regarding the Adelaida and San Luis Obispo Planning Areas, Title 22 of the County Code, and various sections of the Coastal Zone Land Use Ordinance, Title 23 of the County Code. The update and associated amendments were submitted to the Coastal Commission at the end of December 2004 as part of Local Coastal Program Amendment No. 2-04.

Since the time that the Estero update was submitted to the Coastal Commission, their staff has sent the county letters in January and October 2005 requesting a substantial amount of information and analysis, and raising many issues regarding the update. The most challenging issues involve Los Osos. Staff has corresponded and met with the Coastal Commission staff regarding their concerns. At the most recent meeting with the Coastal Commission staff, it became apparent that Coastal Commission certification of the portion of the Estero Area Plan update pertaining to the Los Osos urban area, as submitted, is unlikely at this time for the following reasons:

- lack of an approved communitywide habitat conservation plan for Los Osos to deal with widespread environmentally sensitive habitat
- a groundwater supply that does not support the projected buildout, according to the latest groundwater study, thus necessitating a major reduction in buildout and other major changes to the update
- uncertainty about a planned sewer system, and the resulting implications on water supply and buildout

The Coastal Commission staff has also expressed a number of concerns about the rest of the Estero update that deals with Cayucos and the rural areas; however, those concerns are not as challenging. After meeting with the Coastal Commission staff, your staff believes that those concerns have a good chance of being resolved with some changes in the language of the Estero Area Plan. On the other hand, the significant concerns regarding the Los Osos portion of the update do not appear to be resolvable at this time. As a result, certification of the entire Estero update is jeopardized.

In order to allow the portions of the update dealing with Cayucos and the rural areas to more quickly proceed to hearings by the Coastal Commission, staff is requesting that your Board amend the County's previous submittal of the Estero update to the Coastal Commission (part of Local Coastal Program Amendment No. 2-04) so that it consists of the updated portions of the area plan that apply to the Cayucos urban area and the rural area, plus the *existing* area plan language currently in effect that applies to the Los Osos urban area, without making any other substantive changes. The result would be to enable the Cayucos and rural portions of the update to proceed more quickly, while maintaining all of the existing policies, programs and standards in the Estero Area Plan that currently apply to Los Osos. In the future, when the major issues relating to Los Osos are resolved, the Los Osos portion of the update can be revised as needed and resubmitted to the Coastal Commission as a subsequent Local Coastal Program amendment.

OTHER AGENCY INVOLVEMENT/IMPACTS

This request has been discussed with the Los Osos Community Advisory Council, the Cayucos Citizens Advisory Council, and staff of the California Coastal Commission.

FINANCIAL CONSIDERATIONS

No financial impacts to the current county budget

RESULTS

Adoption of the attached resolution will enable the Cayucos and rural portions of the Estero update to proceed more quickly to hearings at the California Coastal Commission, while maintaining all of the existing policies, programs and standards in the Estero Area Plan that currently apply to the Los Osos urban area, without making any other substantive changes.

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ATTACHMENTS

Exhibit A:	Resolution for Submittal to the California Coastal Commission
Attachment 1:	Map of Estero Planning Area
Attachment 2:	March 31, 2006 letter from the Cayucos Citizens Advisory Council
Attachment 3:	June 28, 2006 correspondence from Carole Maurer, Los Osos Community Advisory Council
Attachment 4:	October 3, 2005 letter from the California Coastal Commission

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EXHIBIT A

Resolution for Submittal to the California Coastal Commission

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IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Eighteenth day July, 2006

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION TO AMEND SAN LUIS OBISPO COUNTY'S SUBMITTAL TO THE CALIFORNIA COASTAL COMMISSION OF THE UPDATE OF THE ESTERO AREA PLAN, A PART OF THE SAN LUIS OBISPO COUNTY GENERAL PLAN, LAND USE ELEMENT/LOCAL COASTAL PLAN AND CIRCULATION ELEMENT (INCLUDED WITHIN LOCAL COASTAL PROGRAM AMENDMENT NO. 2-04), APPROVED BY THE BOARD OF SUPERVISORS ON NOVEMBER 2, 2004 BY RESOLUTION 2004-350

The following resolution is now hereby offered and read:

WHEREAS, state law requires that a general plan be adopted; and

WHEREAS, the Land Use Element of the San Luis Obispo County General Plan was adopted by the Board of Supervisors on September 22, 1980, and is a proper element of the General Plan; and

WHEREAS, on March 1, 1988, the San Luis Obispo County Board of Supervisors adopted the Local Coastal Program as amendments and additions to the Land Use Element of the San Luis Obispo County General Plan, specifically incorporating the Land Use Plan of the Local Coastal Program into the Land Use Element of the General Plan hereinafter referred to as the "Land Use Element and Local Coastal Plan", and to the San Luis Obispo County Code Titles 19, 21, and 23; and

WHEREAS, the Local Coastal Program is intended to be carried out in a manner fully consistent with the California Coastal Act of 1976, California Public Resources Code, Section 30000 et seq.; and

WHEREAS, state law, public necessity, convenience and general welfare requires that general plans be amended from time to time; and

WHEREAS, the Planning Commission of the County of San Luis Obispo after noticed public hearings did recommend amendments to the Land Use Element, the Land Use Element/Local Coastal Plan, the Land Use Ordinance-Title 22 of the County Code and the Coastal Zone Land Use Ordinance -Title 23 of the County Code by adopted resolutions or otherwise took action recommending said amendments; and

WHEREAS, the Board of Supervisors of the County of San Luis Obispo, State of California, following noticed public hearings, in a regular meeting assembled on the 2nd day of November, 2004, resolved and ordered that the County General Plan, Land Use Element, Land Use Element/Local Coastal Plan, and the Coastal Zone Land Use Ordinance -Title 23 of the County Code, be amended as follows:

1. Amend the San Luis Obispo County General Plan, Land Use Element/Local Coastal Plan, Estero Area Plan, as contained in the document and as appears on Exhibit **G970022X:A**, which includes Chapter 5, the Circulation Element for the planning area; and pursuant to Public Resources Code, section 30514, authorize its submittal to the California Coastal Commission for consideration and certification.
2. Amend the San Luis Obispo County General Plan, Land Use Element/Local Coastal Plan, Estero Area Plan official maps, as such amendment appears on Exhibit **G970022X:B**; and pursuant to Public Resources Code, section 30514, authorize its submittal to the California Coastal Commission for consideration and certification.
3. Amend the San Luis Obispo County General Plan, Land Use Element/Local Coastal Plan, Estero Area Plan official maps, as such amendment appears on Exhibit **G970022X:C** relating to the Los Osos Urban Services Line; and pursuant to Public Resources Code, section 30514, authorize its submittal to the California Coastal Commission for consideration and certification.

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4. Amend the San Luis Obispo County General Plan, Land Use Element, San Luis Obispo Area Plan, official maps, as such amendment appears on Exhibit **G980004X:A**; and pursuant to Public Resources Code, section 30514, authorize its submittal to the California Coastal Commission for consideration and certification.

5. Adopt and enact "An Ordinance amending Title 23 of the San Luis Obispo County Code, the Coastal Zone Land Use Ordinance, Sections 23.04.186, 23.05.050, 23.06.100, 23.06.106, 23.06.108 regarding Water Quality and Drainage; Section 23.05.110 regarding Roads and Bridges; Sections 23.04.200 and 23.07.104 regarding Archaeological Resources; Section 23.04.210 regarding Visual Resources; Section 23.04.220 regarding Energy Conservation; Section 23.04.440 regarding a Community-based TDC Program for Los Osos; and Sections 23.01.043 and 23.11.030 regarding Appeals within Unmapped Environmentally Sensitive Habitats" as set forth in **Exhibit G970022X:D**; and pursuant to Public Resources Code, section 30514, authorize its submittal to the California Coastal Commission for consideration and certification.

6. Adopt and enact "An Ordinance amending Specific Sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code, and the San Luis Obispo County Coastal Zone Land Use Ordinance, Title 23 of the County Code."

WHEREAS, the Board of Supervisors of the County of San Luis Obispo, State of California, following noticed public hearings, in a regular meeting assembled on the 2nd day of November, 2004, ordered that the environmental documents for the above enacted amendments be approved as follows:

1. Regarding the amendments that were processed on the basis of a Final Environmental Impact Report (FEIR), the Board of Supervisors certified that the FEIR was prepared and completed in compliance with the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. and the Board of Supervisors reviewed and considered the information contained in the FEIR prior to approving the amendments and that the FEIR reflects the lead agency's independent judgement and analysis. Further, the Board of Supervisors adopted the recommended findings of the County Environmental Coordinator.

2. Regarding the amendments that were processed on the basis of a proposed Negative Declaration, the Board of Supervisors reviewed and considered the proposed Negative Declarations together with all comments received during the public review process prior to enacting the amendments. Further, on the basis of the initial studies and comments received for the Negative Declarations, there is no substantial evidence that the amendments will have a significant effect on the environment, therefore the Board of Supervisors adopted the Negative Declarations pursuant to the applicable provisions of the California Environmental Quality Act (CEQA). The Negative Declarations prepared reflect the independent judgement of the Board of Supervisors, acting as the lead agency for the amendments.

WHEREAS, the preceding enacted amendments were submitted on December 3, 2004 to the California Coastal Commission for consideration and certification as Local Coastal Program Amendment No. 2-04; and

WHEREAS, continuing discussions between the staffs of the County Planning and Building Department and the California Coastal Commission have revealed that Coastal Commission certification of the portion of the Estero Area Plan update pertaining to the Los Osos urban area, as submitted, is problematic in the absence of a resolution to ongoing concerns about sewage disposal, water supply and habitat protection in Los Osos; and

WHEREAS, retention of the Los Osos urban area portion of the Estero Area Plan update as part of Local Coastal Program Amendment No. 2-04 jeopardizes approval of the remainder of that amendment, including the portions of the Estero Area Plan pertaining to Cayucos and the rural areas, which do not pose the same level of concern as does the portion of the area plan dealing with the Los Osos urban area;

NOW THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on the eighteenth day of July, 2006, that the submittal to the California Coastal Commission of the update of the Estero Area Plan, a part of the San Luis Obispo County General Plan, Land Use Element/Local Coastal Plan and Circulation Element (included within Local Coastal Program Amendment No. 2-04), approved by the Board of Supervisors on November 2, 2004 by Resolution 2004-350, be amended as follows; and pursuant to Public Resources Code, section 30514, authorize that this amended submittal be submitted to the California Coastal Commission for consideration and certification:

Amend the Estero Area Plan update so that it consists of the updated portions of the area plan that apply to the Cayucos urban area and the rural area, as submitted to the Coastal Commission on November 2, 2004 as part of Local Coastal Program Amendment No. 2-04, plus the *existing* area plan language currently in effect that applies to the Los Osos urban area, without making any other substantive changes.

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Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

The foregoing resolution is hereby adopted.

Chairman of the Board of Supervisors
of the County of San Luis Obispo,
State of California

ATTEST

County Clerk and Ex-Officio Clerk
of the Board of Supervisors,
County of San Luis Obispo,
State of California

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

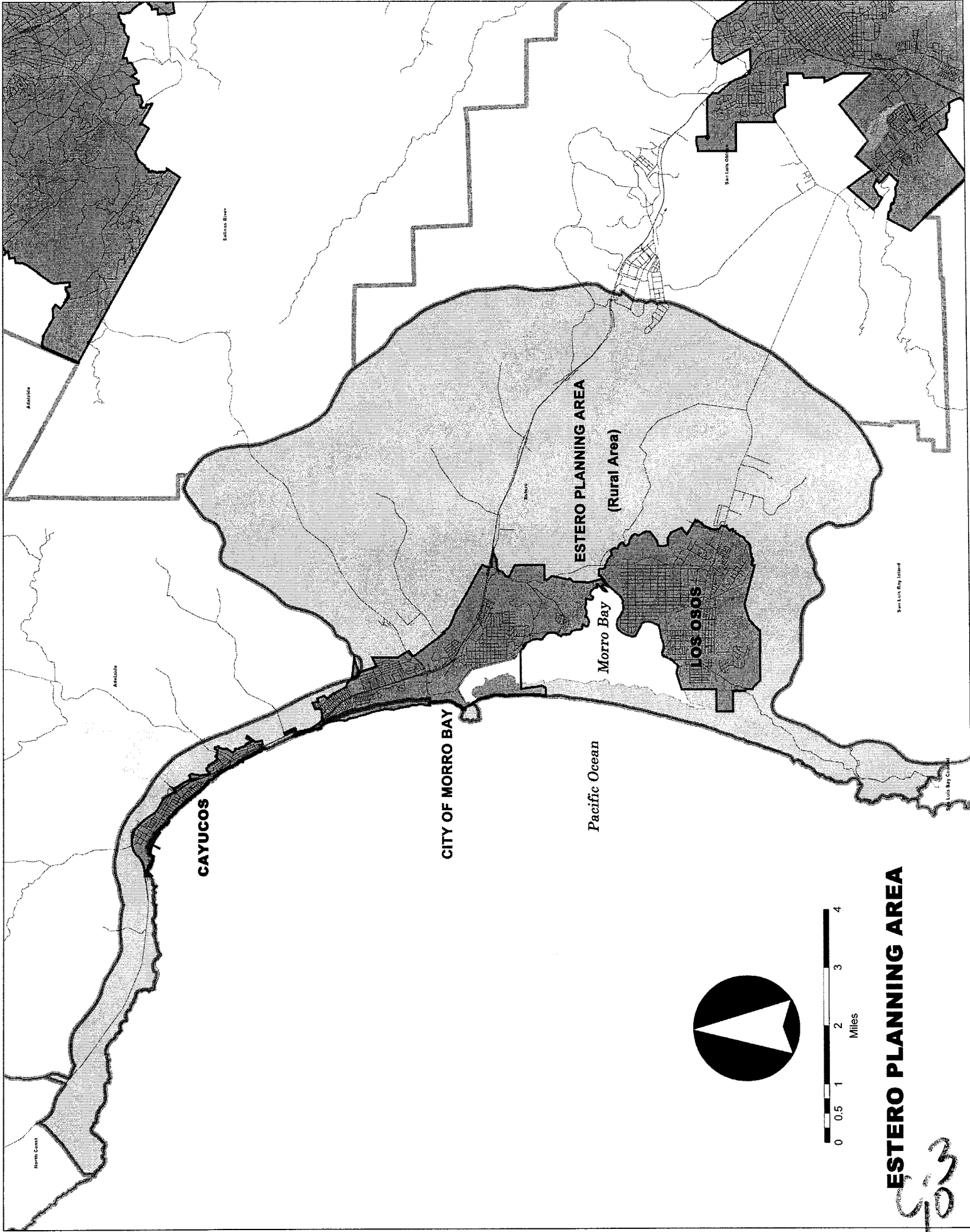
Dated: 6.30.06

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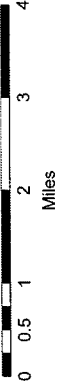
ATTACHEMNT 1

Map of Estero Planning Area

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ESTERO PLANNING AREA

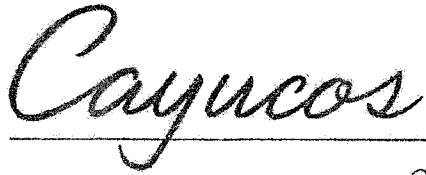


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ATTACHMENT 2

March 31, 2006 letter from the Cayucos Citizens Advisory Council

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CITIZENS ADVISORY COUNCIL

P.O. BOX 781 • CAYUCOS, CA 93430

March 31, 2006

Mike Wulkan
Senior Planner
County Planning and Building
SLO County Government Center
San Luis Obispo, Ca 93401

Mike:

The citizens of Cayucos have been waiting many years for the Estero Area Plan update to be accepted and implemented. Having a proposed update in the process for several years has led to confusion. As some projects want to use parts of the existing, Estero Area Plan, and some want to implement the standards from the proposed update or use a combination of both. It would greatly simplify the tasks of the Cayucos Citizen's Advisory Council's Land Use recommendations if the Cayucos sections of the proposed Estero Area Plan update could be separated and sent forward for approval by the Coastal Commission and then be implemented.

The community of Cayucos should not be penalized because of unresolved issues in other communities, that have their own sections of standards, within the Estero Area Plan update.

Thank you for your consideration on this matter and we look forward to hearing from you.

Respectfully yours,

Ed Carnegie
President
ecarnegi@calpoly.edu



ATTACHMENT 3

June 28, 2006 correspondence from Carole Maurer, Los Osos Community Advisory Council

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<camaurer@charter.net>

06/28/2006 07:03 PM

To bill.garfinkel@sbcglobal.net, mwulkan@co.slo.ca.us

cc

bcc

Subject Re: Estero update

Mike -

I have to say that I'm disappointed that most of the Los Osos design elements are not included in your recommendation. The viewsheds, "greenspaces", setbacks, etc. (i.e., anything not related specifically to water or sewage) could have been included in the recommendations to the Coastal Commission. I guess there's nothing we can do about that now, however. Given that, I hope that the rest of the Estero Plan Update gets approved. Bill may have more to say on this.

Carole

P.S., I'm in Australia for another 3 weeks, so won't get much chance to respond to emails, I'm afraid.

----- mwulkan@co.slo.ca.us wrote:

> Hi Carol and Bill,

>

> I have mentioned this before at a LOCAC meeting, but I wanted to remind the
> LOCAC that on July 18, 2006, the Board of Supervisors will consider a
> county-initiated request to adopt a resolution for submittal to the
> California Coastal Commission to amend the County's previous submittal to
> the Coastal Commission of the Estero Area Plan update that was approved by
> the Board of Supervisors on November 2, 2004. Specifically, the request is
> to amend the update to consist of the updated portions of the area plan
> that apply to the Cayucos urban area and the rural area, as submitted to
> the Coastal Commission on November 2, 2004, plus the existing area plan
> language currently in effect that applies to the Los Osos urban area. In
> other words, we would like the Board to ask the Coastal Commission to
> proceed, at least for now, with an Estero update that excludes the proposed
> changes that apply to Los Osos.

>

> Please let me know if the LOCAC wishes to make any comments. The last day
> to submit comments to me so that I can include them in the Board's agenda
> packet is July 5. Of course, you can submit comments to me and the Board
> at any time up until and during the hearing. Please let me know if you
> have any questions. Thanks.

>

> Mike Wulkan

> Senior Planner

> San Luis Obispo County Department of Planning and Building

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ATTACHMENT 4

October 3, 2005 letter from the California Coastal Commission

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CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

**October 3, 2005**

Kami Griffin
Supervising Planner
San Luis Obispo County Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Subject: Additional Information Needed to Process Local Coastal Program Amendment No. 2-04 (Revisions to Agricultural Land Division Ordinances and Estero Area Plan Update)

Dear Ms. Griffin:

Thank you for your patience in awaiting the Commission staff's comments regarding the additional materials needed to process the above reference LCP Amendment request, submitted on December 29, 2004. As we have discussed, the size of the submittal and the significant wide-ranging issues it raises, as well as other unusual circumstances, are the cause of this extended filing review period. The Commission staff appreciates the County's cooperation in this regard, and submits this request for additional information with the hope of facilitating the continued dialogue and coordination necessary to bring this important multi-year effort to a successful conclusion.

As you know, LCP Amendment Submittal 2-04 consists of the following four parts:

- Part 1: Revisions to the Existing Agricultural Land Division Ordinance, and Addition of New Agricultural Lands Clustering Ordinance, within the Coastal Zone Land Use Ordinance (CZLUO) portion of the LCP Implementation Plan
- Part 2: Comprehensive Update to the Estero Area Land Use Plan and Associated Maps
- Part 3: Amendments to the CZLUO Needed to Implement the Estero Area Update and Other Miscellaneous Changes
- Part 4: Relocation of the Los Osos Urban Services Line in the Vicinity of the Monarch Grove Subdivision¹

The Commission staff's questions and requests for additional information are organized accordingly, and generally fall into the following categories:

- Supplementary information needed to understand and analyze the amendment for conformity with the Coastal Act, pursuant to 13552(b) and (d) of the California Code of Administrative Regulations; and

¹ This change is included in Part 2 of the amendment, but has also been submitted as an independent part, so that it may be processed independently of the Estero Area Update if timing so demands.

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- Questions regarding the amendments' relationship to other sections of the LCP pursuant to 13552(c) of the California Code of Administrative Regulations.

I. Additional Information Required to Process Part 1 of LCPA 2-04: Revisions to Agriculture Land Division Ordinance and New Agriculture Cluster Ordinance.

A. General Information Needs

Please provide a strikethrough and underlined version of the proposed changes to Ordinance 23.04.024, as adopted by the Board of Supervisors on August 10th 2004.

Please clarify the second sentence of proposed new Ordinance 23.04.037b.(8)(i), which appears to contain extra or missing words.

Please identify the entit(ies) that would be in charge of managing and monitoring the permanent agricultural open space easements required by Section 23.04.037b.(8)(i)

B. Relationship to Other Sections of the LCP

The standard of review for the proposed ordinance change is whether it is adequate to carry out the policies of the certified Land Use Plan (LUP). Yet the submittal states that the purpose of the amendment is to carry out the Agriculture and Open Space Element of the County's General Plan, which is not a part of the certified LCP. The submittal does not adequately address potential inconsistencies between the proposed changes to the Coastal Zone Land Use Ordinance (CZLUO) and the LUP, nor effectively document the amendment's ability to implement the LUP, as discussed below.

1. Ag and Open Space Element

The submittal adds new language to the CZLUO that would require new land divisions to be evaluated for consistency with the Agriculture and Open Space Element of the General Plan. This change essentially proposes to incorporate the Ag and Open Space Element into the LCP. If this is indeed the intention of the County to incorporate the Ag and Open Space Element as a component of the LCP, the amendment submittal must be supplemented to include all of the information regarding the County's analysis and adoption of the Ag and Open Space Element required by Sections 13551 – 13554 of the Commission's Administrative Regulations. If this is not the intent of the County, please identify alternative language acceptable to County staff that eliminates the amendment's application of un-certified development policies in the coastal zone (e.g., proposed Sections 23.04.024.a, c, and d).

2. Intensification of Non-Agricultural Uses

The submitted amendment raises potential conflicts with Coastal Plan Policies 1 and 2 for Agriculture because it may increase the amount of non-agricultural development allowed on agricultural lands by the LCP. For example, the proposed changes to Section 23.04.024b that

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apply potential rather than existing agricultural use to determine minimum parcel size appears to allow the current 320 acre minimum lot size for existing grazing lands to be reduced to as little of 20 acres in areas with Class 1 or 2 soils. The potential number of new lots may be further increased by the proposal to base lot sizes on "qualifying" agricultural land uses rather than a specifically proposed ("respective") agricultural use. Please explain the purpose and affect of the proposed changes to Section 23.04.024.b of the CZLUO, provide an assessment of the number of new lots that could be created under the amended ordinance as compared to the existing ordinance, and evaluate how any increase in the potential number of lots may impact potential and existing agricultural capabilities.

The proposed new cluster division ordinance has the potential to result in an even greater increase in agricultural conversions. The assumption that clustered land divisions will convert less agricultural land than standard land divisions must be called into question as a result of the proposed method for calculating base density, the allowance of up to a 25% bonus above base density, and the ability to create "clustered" lots of up to 5 acres in size. Specifically, the use of minimum parcel size standards as the sole measure for determining base density does not accurately reflect the number of new lots that would be allowed under current subdivision requirements. Rather, by eliminating the need to consider other LCP standards and site constraints in determining base densities (e.g., those that limit the creation of new lots in sensitive habitats, wetlands, prime agricultural lands, and scenic resources areas), the proposed method results in artificially high base densities, that are further increased by the proposed bonus. Combined with the proposed allowance of 5-acre parcels, it would appear that these changes could significantly increase the amount of agricultural conversion above that which is currently allowed and become an incentive for agricultural conversions that run contrary to Ag Policies of the LCP and the Coastal Act. In order to address these concerns, please provide an assessment of the cumulative increase in non-agricultural development that could result from the proposed changes, accompanied by an analysis of how such an increase will impact agriculture.

3. Prime Agricultural Land

Coastal Plan Policy 1 for Agriculture requires that prime agricultural land be maintained in or available for agriculture production except in very limited circumstances. The proposed amendments to Section 23.04.024 conflicts with this LUP standard by allowing new parcels with building sites less than a 6,000 square feet to be established on prime agricultural soils. Please estimate the potential increase in the amount of residential development on prime soils that could result from the proposed changes, and analyze the cumulative impact that such an increase would have on coastal agriculture in San Luis Obispo County.

4. Public Services

Please define "community water and sewer systems", required by 23.04.038d for the creation clustered lots less than 2 ½ acres and 1 acre in size? How does this relate to LUP and CZLUO requirements for private on-site water and wastewater systems outside of Urban Service Lines?

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II. Additional Information Needed to Process Part 2 of LCPA 2-04 (Estero Area Plan Update)

A. General Information Needs

Please provide copies of the Background Reports listed on p. xiii; the 1998 SLO Co. Water Masterplan Update referenced on p. 3-13; the "Master Drainage Plan for Cayucos" (p. 3-50); the Los Osos Circulation Study, County Bikeways Plan, and County Trails Plan referenced on p. 5-3, et seq.;

Table 4.1 on page 4-7 identifies that the amount of land designated for agriculture within the planning area will be reduced by 23,799 acres; that the amount of land designated for recreation in rural areas will be reduced by 2,933 acres; and, that the amount of land designated for Open Space in rural areas will be reduced by 534 acres. Please explain where and why these changes are proposed.

Is the increase in land area within the Cayucos Urban Reserve Line (URL) identified on p. 4-20 simply a correction to the calculation of the land area, or does it represent an expansion of the URL? If the URL is proposed for expansion, please identify the location of, and basis for this change.

Please explain the need for, and evaluate the impacts of, the passing lanes proposed on Hwy 1 west of Cayucos and Hwy 41 (p. 5-15, 5-30). Similarly, please identify the need for, and impacts of, the proposal to expand SB Blvd expansion to 4 lanes (p. 5-16) and the Ramona, Ravenna, and Skyline extensions (p. 5-18)?

B. Information Needed to Evaluate Coastal Act Consistency

1. Public Access (Coastal Act Sections 30210 – 30214)

Please evaluate how the proposed reductions in parking requirements for Baywood commercial area (p. 4-48) may affect parking needed to serve coastal access and recreation. In particular, please explain how such reductions can be accommodated without causing commercial uses to consume parking spaces within public rights-of-way. Similarly, please evaluate potential impacts to coastal access opportunities associated with the proposals to prohibiting parking on inland side of Ocean Front (p. 5-30) and establishing parking time limits (p. 5-31) in Cayucos.

Please explain the basis for plan changes that appear to reduce coastal access opportunities by: precluding public access improvements at 2886 Studio Drive in Cayucos (p. 5-34); deleting coastal access programs in Los Osos (p. 5-37-38); eliminating the requirement to provide public access to and along the bluff up-coast of Cayucos Creek (p.7-59); deleting the specific access improvements for the Cuesta Inlet contained in the existing Area Plan (p. 7-112).

Please provide more specific information regarding the proposed location, and the methods that will be used to secure, sign, and maintain the portion of the California Coastal Trail within the planning area. In particular, please address the proposed routes through Los Osos and Cayucos,

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between Morro Bay and Cayucos, and north of Cayucos. Please explain why there are no specific requirements and/or programs to provide continuous lateral public access around the Morro Bay shoreline, and why the requirement to provide vertical access to the bay applies only in Baywood (p. 7-132, 8-10).

Please clarify what constitutes the type of "improvements to and along the coast" that are subject to the requirements of revised Areawide Coastal Access and Recreation Standards 1 and 2 on page 7-15 of the Update, and address the consistency of this change with Section 30211 and 30212 of the Coastal Act.

Please identify what, if any, standards are contained within the Update to maximize coastal access and recreation opportunities along the Estero bluffs while at the same time ensuring protection of the areas unique resources (e.g., plover protections, standards for parking and trail improvements, other standards needed to carry out management plan - p. 7-36). Please explain why only one vertical access, and limited lateral access, is proposed for this area.

Please clarify whether the proposed coastal access standard for the Western Fringe Area (p.7-146) requires the provision of a vertical coastal accessway on this site, and evaluate whether this standard effectively meets the needs or rights of the public to access the shoreline in this area (e.g., along existing paths following the alignments of Seascape Place and Sea Wind Rd.).

With respect to the proposed Access Component of the Update, the Commission staff request the County's response to the following questions/observations:

- Visual access to ocean, shoreline, and other scenic rural areas (e.g., Morros) should be included in overview of access in rural areas (p. 8-5).
- Discussion of access issues in Cayucos (p. 8-6) needs to address seawalls, sand supply.
- How does deletion of boat launch ramp (p. 8-7 & 8-20) affect boating opportunities and relate to commitments previously made in association with the expansion of the Back Bay Inn? Is program to acquire and develop a park and boat launch ramp somewhere in the Back Bay (p. 8-21) adequate to fulfill this commitment?
- Policies regarding access in Los Osos and Cayucos (p. 8-10) needs to address permit requirements for quiet titles, paper streets, and right-of-way abandonment. The proposed Public Lands Program (p. 8-14) should be a standard applicable to such permit review. Same comment for Los Osos access protection program (p. 8-20).
- Lateral access standard for Cayucos (p.8-11) does not effectively address ownership of beach areas required for dedication.
- Access standards for Los Osos should not be limited to projects that involve more than one dwelling unit (p. 8-11).

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- Fence restrictions (p. 8-11) should also protect vertical accessways, and be applied areawide.
- What is the “bayfront” area described on p. 8-12?
- Beach closures to protect plover (p. 8-14) must be approved by CDP.
- Parking time limits (p. 8-15) must not interfere with access and recreation opportunities, and be approved by permit
- Access programs and inventory do not, but should, address the California Coastal Trail or Prescriptive Rights.
- What Bayfront street ends (p. 8-20) provide existing and potential vertical access?

2. Recreation (Coastal Act Sections 30220 - 30224)

The Update proposes various changes that appear to limit the establishment of new visitor-serving facilities within Cayucos (e.g., new policies for the Cayucos Central Business District, deletion of existing reference to tourist-oriented development on the north side of N Ocean Ave. on p. 4-32 of the Update). In order to address potential conflicts with Coastal Act Sections 30221 and 30222, please provide the following information:

- A comparison of the quantity of land area eligible to be developed with coastal oriented recreational facilities under the existing plan and the Update;
- An evaluation of whether existing and future demands for visitor-serving facilities will be met by the Update. On what basis was the potential (maximum) number of hotel/motel units developed (p.2-11), and how does this correlate to existing and future demand? And,
- An analysis of the impact on visitor serving opportunities of allowing time-shares wherever hotels and motels are allowed in Cayucos (p. 7-39).

Please also describe and provide copies of any information used by the County to support the statement that Mixed Use development Standards “will not prejudice the provision of adequate visitor-serving facilities to meet foreseeable demand” (p. 7-58)? What measurements/criteria will be used to determine whether proposed development qualifies as a “lower-cost visitor-serving or recreational facilities” under Mixed Use Development Standard 6a(1) (p. 7-58)? How will constructing new visitor-serving or recreational development in coordination with new residential development address the concern that residential development may reduce parking needed for coastal access and recreation (see Mixed use Standard 6a(2) on p. 7-58)?

More generally, please explain how the Plan ensures that the parks needed to serve the recreation needs of the planning area (p. 3-36 – 3-38) will be provided. In particular, please identify how

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the plan reserves adequate land area for public recreation needs and ensures that private development does not outpace the provision of such facilities. For example, please explain how the proposed land use designations and/ development standards provide for the implementation of park programs described on pages 4-70 and 4-71. In light of the documented need for additional recreation facilities, please explain why recreational uses are not prioritized by the development standards for recreationally designated lands (e.g., pages 7-142 – 7-146). For example, how does the allowance of residential development in the Recreation district of Cuesta by the Sea (p. 7-142) carry out the visitor-serving designation and conform to Coastal Act Sections 30222 and 30223? Why aren't coastal accessways an allowable use in the recreation category upcoast of Cayucos Creek (p. 7-66)? Given the site's ocean frontage and recreation designation, why isn't it reserved for priority uses rather than residential?

Similar question are posed by the following proposed map changes:

- M10: How is the proposed re-designation of recreation lands to Commercial Retail consistent with the priorities established by Coastal Act Sections 30222 and 30223? What LCP provisions ensure that allowable uses in recreational areas north of the creek will protect coastal views, priority uses, and avoid the need for shoreline protection?
- M12: How will the proposed re-designation of recreation lands in Cayucos affect the ability to meet the needs of visitors and the demand for coastal access and recreation opportunities?
- M25: Please clarify the purpose and intent of map change 11 regarding Baywood Area Parks

Please explain the need for height and driveway standards for the Recreation area between Morro Bay and Cayucos given the limits on allowable uses (p. 7-38 – 7-39). In addition, please describe what, if any, analysis of coastal resources (e.g., sensitive habitat areas and significant view corridors) has occurred in conjunction with the designation of allowable uses in this area, and identify any particular requirements that have been incorporated into the Update to protect such resources.

In the Baywood Park area of Los Osos, Parking Standard 2 (p. 7-95) proposes to limit the amount of on-site parking that must be provided by commercial development. Limiting the availability of on-site parking for commercial uses has the potential to reduce the amount of on street parking available to serve coastal access and recreation opportunities. Please explain how this will be implemented in accordance with proposed standard 1, which prohibits such a reduction.

3. Marine Environment (Coastal Act Sections 30230 – 30236)

Please identify the development standards contained in the Plan, or elsewhere in the LCP, that address the drainage issues identified on pages 3-33 and 3-34 of the Update. For example, please identify some of the specific drainage controls and management practices that should be included in the drainage plans required for low-lying areas of Los Osos (p. 7-89).

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Please provide a copy of the County Fee Ordinance that will be used to determine whether redevelopment of bluff-top lots in Cayucos must meet the setback requirements of the CZLUO, and explain how this standard is intended to apply to new development (p. 7-51). For example, does it require both existing and new portions of the development to meet setback requirements? Could it be interpreted as allowing seawalls in conjunction with alterations that are less than 75% of the value of the existing development?

The submittal proposes to include areas adjacent to the sweet-springs nature reserve within the LCP. These areas were "whiteholed" from the currently certified LCP because the level of residential development originally proposed by the LCP did not conform to Coastal Act standards for the protection of wetlands and other sensitive resources. Please explain how the Update addresses and resolves the Coastal Act issues that resulted in this area of deferred certification. To what degree has the County evaluated the potential presence of wetlands in the new residential and recreation designations shown by changes 14, 15a and 15b in Map M20? What is the evidence supporting the proposed "wetland map corrections" identified on Maps M25&26?

What is the capacity of the portion of Sweet Springs identified as the west of 4th street area to accommodate the proposed level of allowable and transferred development (p. 7-143) consistent with Coastal Act and LCP wetland protection provisions? On what basis has a 1 unit per acre credit been calculated? Why is the 4th Street r-o-w designated for residential development? Please address terrestrial habitats and visual resources in addition to wetlands in evaluating these issues.

Please explain the approach used by the County to determine the minimum wetland setback distances proposed on pages 7-115 – 7-116. For example, please describe why the Update allows development on large parcels between Mitchell and Paso Robles to be located less than 100 feet from wetlands.

4. Land Resources (Coastal Act Sections 30240 – 30244)

Environmentally Sensitive Habitat Areas in Los Osos

Proposed policies and standards for future development in the center of the Los Osos urban area allow for extensive residential and commercial development within much of the remaining open space areas, such as Morro Shores, Vista del Oro, and the Martin Tract. Please evaluate the role that these areas play in the long-term protection of Los Osos dune scrub habitat and associated sensitive species, and explain how the proposed policies and standards have taken such biological resources into consideration. Along these lines, please explain the biological basis for excluding all of the central Los Osos urban area from the Los Osos Dune Sands SRA designation (p. 6-12), and for designating the TDC receiver sites described on p. 7-105 and shown on p. 7-107. What scientific information/biological analysis has been used to distinguish which areas of Los Osos dune sands constitute ESHA, and which do not (p. 7-117 – 7-118)? On what basis are some small interior lots near Pecho Road mapped as SRA-TH, while other larger parcels with

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more intact habitat (e.g. at seahorse lane, martin tract, Holland, habitat corridor above Vista de Oro) are not (p. 7-119)?

With respect to the proposed TDC program, please clarify which specific parcels within the area shown on p. 7-107 are eligible to use the cluster development option proposed on p. 7-105. What is the difference between "overall density" and "net density" (p. 7-103)? How many credits need to be transferred in order to qualify for the maximum intensity shown on p. 7-103? What is the maximum density that would be allowed without participation in the TDC program?

Please describe the biological resources contained on the sites proposed for recreational facilities on page 4-71, including the area surrounding the Los Osos Middle School and the area between Broderson and Ravenna. To the degree that the development of recreational facilities on these sites presents potential conflicts with ESHA protection requirements, please explore opportunities to locate such facilities in previously developed area through redevelopment.

Policy 8 (p. 6-19) requires implementation of the USFWS Recovery Plan. However, the land use designations contained in the Update do not appear to reflect the conservation areas designated by the Recovery Plan. Please explain how the Recovery Plan has been applied to the development of the Update, particularly with respect to land use designations and development standards.

Proposed policies, programs, and development standards that conflict with Section 30240 of the Coastal Act, as well as with Coastal Plan Policies for Environmentally Sensitive Habitat Areas (ESHA), by allowing development in ESHA that is not resource dependent include:

- Policy B1 regarding Los Osos Habitat Conservation (p. 6-31), which proposes establishment of an in-lieu fee for "infill" development in Los Osos Sensitive Resource Areas, that would be used to fund the acquisition and management of sensitive habitats elsewhere in Los Osos.
- Proposed Policy B.2 (p. 6-32), which states that permissible activities within ESHA include cluster development.
- The proposed Los Osos TDC program, allowing certain sites containing ESHA to be used as receiver sites (p. 6-38). And,
- Development standards for Environmentally Sensitive Areas of Los Osos (p. 7-11 – 12, 7-14) that do not limit development within ESHA to resource dependent uses, and do not apply site disturbance limitations to agricultural activities.
- The allowance of subdivisions in areas 5, 8, 9, 10, and 11 (Figure 7-41, p. 7-101 – 102) which are designated as ESHA on p. 7-119.

The Commission staff understands that an objective of these provisions is to avoid, minimize, and mitigate the amount of non-resource dependent development within ESHA in a manner that

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is also consistent with the rights of private property owners. However, the submittal lacks the information needed to evaluate whether the proposed policies and programs will effectively carry out the objective of providing maximum protection of ESHA. In order to address this issue, please provide a comparative analysis of the impacts to ESHA posed by the buildout allowed by the current Area Plan, and that allowed by the Update/HCP. Close coordination with Commission staff on the assumptions that will be applied to this analysis is strongly encouraged.

With respect to the proposed TDC program, please identify the specific parcels within the area shown on p. 7-107 that are eligible to use the cluster development option proposed on p. 7-105. What is the difference between "overall density" and "net density" (p. 7-103)? How many credits need to be transferred in order to qualify for the max, intensity shown on p. 7-103? What is the max density w/o participation in the TDC program?

What is the scientific and Coastal Act basis for the proposal to exempt development that disturbs less than 500 sq. ft, or activities that are determined to be minor by the planning director, from ESHA standards? (p. 7-117)

What standards/measurements will be used to determine consistency with the requirement that development "incorporates all feasible and reasonable means of maintaining LO Sands Habitat" (p. 7-118)? Similarly, what specific standards will be used to determine whether environmental impacts have been mitigated to the maximum extent feasible (adjustment finding (iii), p. 7-122)?

How does the Resource Maintenance and Restoration Plan and Biological Survey required on p. 7-118 relate to the ESHA information otherwise required by the CZLUO (i.e., supplement or replace)? Please identify with greater specificity the scope of information and level of detail that should be provided by such reports (e.g., site vegetation maps, evaluation of fire clearance needs/impacts and habitat buffers, plant selection and management criteria, performance standards, reporting requirements, etc. See Periodic Review Recommendations 4.3, 4.7, 4.15, 4.16.)

According to the proposed development standards for Los Osos, landscaping requirements only apply "when landscaping" (p.7-90). How do these requirements apply if no landscaping is proposed or required by CZLUO Section 23.04.182? Will 30% of the total landscaping in a small downtown lot provide any meaningful habitat? How do these requirements relate to the proposed tree planting requirements on page 7-95?

Please explain the relationship between the landscaping requirements within ESHA (p. 7-120) and the landscaping standards established by Chapter 23.04 of the CZLUO. For example, is a landscaping plan required for all development within the Dune Sands SRA, or only those developments specified by 23.04.182a? How do the exemptions established by 23.04.182b relate? How do these landscaping requirements protect and enhance the habitat values that are the basis of the ESHA designation? What sort of performance standards and long-term maintenance and monitoring requirements will be applied to evaluating the adequacy of landscape plans? How will requirements for the use of native plants be implemented in a manner that prevents the pollution of gene pool of local native stocks with hybrid cultivars?

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On what basis have the maximum site disturbance figures been determined (p.7-121)? Has there been an analysis of the cumulative impacts of this amount of habitat loss? How could a larger area of site disturbance result in less impact (see adjustment (i) and (ii) on p.7-122)?

The Tri-W site has been determined to be ESHA per County and Commission actions related to the Los Osos Wastewater Treatment Project. Standards for development of commercial retail (p. 7-136) and office and professional facilities (p. 7-140) should recognize this fact, and be accompanied by standards for development that provide maximum protection for ESHA. If County staff does not support such an approach, please identify the basis under which the degree of commercial development allowed by the plan can be justified as being consistent with Coastal Act Section 30240.

Other development standards proposed for particular land use designations, when applied to currently undeveloped properties within those designations, appear to raise similar conflicts with Coastal Act Section 30240, and in some instances, conflicts with the Combining Designation standards contained elsewhere in the update. For example, please explain how the potential presence of environmentally sensitive habitat in the area referred to as a portion of Tract 1646 will be addressed given the fact that the development standards proposed for this site are silent on this matter, and the site is not mapped by the Update as terrestrial habitat. What is the status of "Tract 1646"?

Similarly, please help resolve conflicts between the development standards for the area referred to as the Western Fringe, and LCP and Coastal Act resource protections standards, including but not limited to ESHA protection. For example, please describe the analytic basis for establishing a maximum number of 100 units (p. 7-148)? Please also identify the criteria that will be applied to the evaluation of the development density, as determined by future biological and visual studies (p.7-148).

Please provide an equivalent analysis for the Morro Shores site. Is there a valid coastal development permit justifying the proposed allowance of intense residential development and a package treatment plant per Tract 1643 (p.7-153 - 174)? Where is the biological analysis demonstrating that the type and intensity of allowable uses (e.g., 250 senior housing units, 50 acre business park, 30 acres of low intensity residential, etc.) can be accommodated on the site without disrupting ESHA? What constitutes adequate mitigation (p. 7-156)? Standards do not appear to, but should, require site designs that protect and enhance coastal scrub habitat and wetland areas of the site.

The Elfin Forest is another sensitive habitat area that is not adequately addressed by the submitted update. The Commission staff supports the Update's proposal to designate this area as Open Space, delete it from the USL and URL, and remove the "whitehole" resulting from the previous residential designations' inconsistencies with Coastal Act standards. We are concerned, however, that the Update does not include any development standards (e.g., on p. 7-141) to ensure that future improvements and expanded use of this area occur consistent with Coastal Act resource protection criteria. Please identify the County's preferred method for addressing this

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need, for example by providing supplemental language that could be considered as potential suggested modifications.

Other undeveloped lands where similar conflicts exist trigger the need for the County to respond to the following additional questions and observations:

- Bayview Heights: Allowance of subdivisions (P. 7-160) should be prohibited in ESHA, including but not limited to the ESHA mapped by Fig. 7-47 (p. 7-119, M25a).
- Biological analysis of Martin tract (p 7-160)? Is subdivision appropriate in light of potential habitat?
- Constraints to development on 2 residential parcels in Sweet Springs (e.g. wetlands, habitat) not addressed by standards on page 7-161 – 162. Where/how are such constraints addressed for the adjacent Pine Street paper lots?
- On what basis has maximum density of 14 lots for the sweet springs area west of 4th street been determined (p. 7-162)?
- Basis for maintaining the 20,000 minimum lot size for undeveloped portion of Cabrillo Estates (p. 7-163)? Conflicts with ESHA map (p. 7-119, M25a). Why require *minimum* floor area, concrete driveway (p. 7-164)?
- Basis for allowing subdivisions, and extending USL, for undeveloped areas of Monarch Grove (p. 7-165 – 166). Conflicts with ESHA map (p. 7-119, M25a).
- Conflict between potential subdivision of Vista de Oro (p. 7-167) and ESHA map (p. 7-119, M25a).
- If portions of the S.B. Blvd area are ESHA (p.7-168), why isn't it mapped as such (p. 7-119, M25a)? What analysis has been applied to determine its appropriateness as a TDC receiver site? How will "Guidelines" for high intensity development ensure resource protection consistent with Coastal Act chapter requirements?
- On what basis has it been determined that new development along Palamino drive can be set back 50 feet rather than 100 feet from ESHA (p. 7-171)?
- Conflict between clustered development of Southern Hillsides (p. 7-175) and ESHA map (p. 7-119, M25a). How will the requirement to cluster west of Rodman Dr. be implemented on portions of the site south of Rodman? On what basis has the 400-foot elevation been set as a limit for development of Area B? Why should 40% of the site be eligible for development?
- Please explain the road like configuration of the residential suburban designation applied to sub area A of the Southeastern Hillsides (p. 7-176 – 7-177).

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- How and why does the special standard created for the parcel south of El Moro (p. 7-178) differ from the areawide standards applicable to all development in SRA's?

Riparian Habitats

Please identify, and provide copies of, the information/analyses used to determine minimum setback distances from Cayucos creeks (p. 7-52). Please explain how these setback standards, which are based on a specified distance from the "top of stream bank" will be implemented in conjunction with other LCP requirements for setbacks from riparian vegetation.

Agricultural Resources

Please explain the reason(s) why the update proposes to delete the existing requirement to site residential and agricultural structures in non-prime areas of rural agricultural lands (p. 7-30), and address the apparent conflict between this change and the requirements of Coastal Act Section 30241.

Please explain the procedure for designating agricultural lands as Row Crop Terrain and Soil (p. 7-30), and respond to the concern that the array of non-agricultural uses allowed on rural agricultural lands conflicts with the stated intent of the standard for new development on rural agricultural lands: "to limit uses to those that are most directly related to agricultural production" (p. 7-30).

Please explain the basis under which the County believes that the re-designation of agricultural lands to Rural Lands and Residential Multi Family shown by maps M1 and M11 conform to Coastal Act Sections 30241, 30241.5, and 30242.

5. Development (Coastal Act Sections 30250 – 30255)

Areawide

Please address the potential conflict between the proposed areawide goal for a new golf course (p. 2-7) and Coastal Act Section 30250 by identifying the geographic region(s) where such land and water intensive development could be accommodated by public service capacities and without significant adverse impact to coastal resources.

Please explain why the proposed development standard regarding light and glare (p. 7-17) applies only in the Morro Bay Planning Impact Area rather than areawide.

Rural Areas

Please explain the basis for deleting Rural Circulation Standards 3 and 4 (p. 7-22), and evaluate the impact that this change will have on the ability of the LCP to carry out Coastal Act Section 30251.

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While the Update provides increased recognition of significant scenic corridors, it does not appear to provide any specific development standards to protect these resources (p. 7-23 and 7-27 - 7-28). In fact, proposed modifications to existing standards (e.g., deletion of existing rural combining designation standard 7a), appears to weaken scenic protections. Please identify what, if any, special standards (other than the visual resource protection requirements applicable to all new development) are included within the update to maximize visual resource protection within the identified critical viewsheds and scenic corridors. Please also identify the changes to the official maps that designate these areas. In reference to Figure 7-9, please clarify whether the eastern end of the proposed SRA corresponds with the western limit of existing residential development, and explain why the SRA designation does not continue to the western limit of the planning area as described on p. 7-28. Similarly, please clarify why the area west of Highway 1 between Cayucos and Morro Bay is not designated as an SRA like the remainder of the rural coastline according to Map M6. Finally, please explain why the requirement for a biology report for new development in the Morros Area SRA is contingent on the application of scenic protection standards, and explain the process for making this determination.

Cayucos Water Supplies

With what degree of certainty is it assumed that Nacimiento Water will be available to meet buildout demand in Cayucos (p.3-12 – 3-13, proposed policy on p. 3-16), and that available water supplies will effectively accommodate buildout (p.3-16 – 3-17)? Is the adequacy of available water supplies dependent upon to the implementation of conservation measures, and will proposed Water Program 4 (p. 3-48) effectively address this conservation need, and if so, why doesn't the plan require water conservation as a standard for new development? If there is no requirement for water conservation/retrofitting, how does supply compare to demand with no retrofitting? How do available supplies compare to demand under a 100% occupancy scenario? How do the estimates of water savings through retrofitting (p.4-21) account for the fact that many existing residences may already have low-flow fixtures?

Please clarify which parcels are considered part of the "Bella Vista" property, and which (if any) of these parcels are currently eligible to receive municipal water service. What would be considered "supplemental" water, and what options are available to obtain such water (p. 7-67)?

Cayucos Wastewater Treatment

While the Morro Bay Wastewater Treatment Plant may have capacity to accommodate the increase wastewater flows attributable to buildout in Cayucos, please evaluate whether the plant's design, level of treatment, and disposal methods ensure that such increases can be accommodated without adverse impacts to the marine environment, water quality, and other coastal resources (e.g., streams and wetlands)?

Los Osos Water Supplies

The discussion of Los Osos water supplies contained in the Update, and related assumptions regarding sustainable levels of buildout, are based on information contained in the 2002 Los

Osos Community Services District Water Master Plan. The more recent April 2005 Draft Water Management Plan (also prepared by the District) documents significantly reduced safe-yield estimates and indicates that current withdrawals exceed the basin's safe-yield and are resulting in seawater intrusion. This new information necessitates significant changes to the Update. The two options available to address this need are for the County to withdraw the current amendment and re-submit an updated version, or to work with the Commission staff on modifications to the plan that that would need to be approved by the Commission and the County in order to certify the Update.

Any effort to modify the current proposal as necessary to address Coastal Act Sections 30241e, 30250, and 30254, will need to address the following: How does the timing of Los Osos buildout relate to the assumed rate of groundwater replenishment (p.3-12)? Does the plan assume that treated wastewater will be blended with drinking water to meet the needs of buildout (p.3-20)? To what degree does the plan rely on conservation and how does the plan ensure that the necessary levels of conservation levels will be achieved? What is the basis for assuming that there will be no additional demands on water by agriculture (p.3-20, p.3-47 Water Program 1b)?

Please explain the difference between a notice of intent to provide water and sewer service (required at the land use permit application stage) and the final approvals for such services (required at the building permit stage) (p. 7-88), and describe how an intent to serve letter carries out the requirements of Public Works policy 1, requiring evidence of adequate public services "prior to permitting all new development". Why do the proposed standards apply to the Los Osos Urban Area and not Cayucos?

Please address how the limited available water supply for Los Osos will be allocated consistent with the land use priorities established by Coastal Act Sections 30222 and 30254 if the existing Interim Service Capacity Allocation program is deleted, as proposed by the Update.

Los Osos Buildout Potential

In order to evaluate the cumulative increase in development potential associated with the minimum lot sizes established by Figure 7-41, please identify the size of the referenced locations and the maximum number of parcels and development units that could result from future subdivisions.

Los Osos Urban Service Line

Please clarify the boundary changes proposed by Map M21. Are all undeveloped areas surrounding Monarch Grove and the existing golf course proposed to be re-designated as Open Space? How does the proposed Open Space designation compare to, and take into account, the Terrestrial Habitat designation shown by Map M27? Why include Open Space and Recreation (golf course) areas in the USL?

Please explain the basis for the proposed extension of the USL as shown in Maps M24 and M24a. What is the increase in demand on public service capacities such as water, and what

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evidence is available to demonstrate that there are adequate capacities to accommodate this increase? Will the inclusion of these areas within the USL facilitate development that is inconsistent with Coastal Act and LCP coastal resource protection requirements, particularly in terms of habitat and scenic views?

Please address the relationship of the Urban Service Line shown by the Update with LAFCo's "sphere of influence" and "sphere of service lines" in accordance with Chapter 4 of the LCP's Framework for Planning. Please also address the USL's relationship to existing service district lines and the location of existing water supply infrastructure, such as water supply mains.

Other Public Facilities

Please identify potential sites for the elementary and middle schools needed to serve Cayucos and Los Osos (p.3-30, 3-31, and 4-20), and the Los Osos High School encouraged by School Program C1 (p. 3-50). Given these needs, why does the update propose to remove the designation of school sites from the official maps, and delete the program for elementary school facilities on the Martin Tract deleted (p. 6-42)? Please explain how the submittal has taken into consideration the plans of the school districts as required by CA Section 30504.

Baywood Park Special Community

If Baywood Design Guidelines are optional (p.7-133-134), how does the update ensure protection of this special community (as designated by the Area Plan) consistent with Coastal Act Section 30253(5)?

C. Relationship to Other Sections of the LCP

Please explain how rural recreation Policy 3 (p. 4-17), which proposes to limit development in rural recreation land use designation to open space, recreation, and visitor serving land uses, will be implemented vis-à-vis Table O and Area Plan Standards.

Please address the apparent conflict between proposed Policy 8 (p. 4-37), which requires TDC receiver sites to be located within the URL, and Public Works Policy 1, which limits provision of municipal services to areas within the USL.

Please explain how proposed Policy 7 (p.4-37), which requires *historic* levels of agricultural water use to be considered in the evaluation of future USL expansions to reserve adequate water for existing and future agricultural uses, relates to Coastal Plan Policy 7 for Agriculture, which gives priority for sustainable water extraction to *existing or future* agricultural use.

Please address the apparent conflict between the proposal to require that development be "generally located to withstand 75 years of bluff erosion without the need for a shoreline protection structure" (p. 6-7) and Coastal Plan Policy 1 for Hazards that requires new development to be designed to avoid the need for a shoreline protection device "for the life of the

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structure". Similarly, please respond to the concern that the standards for bluff setbacks proposed on pages 7-37 – 7-38 are inconsistent with the Coastal Plan Hazards Policy 4.

III. Additional Information Needed to Process Part 3 of LCPA 2-04 (CZLUO Amendments Related but not Limited to Changes Proposed by the Estero Area Plan Update)

In order to ensure that the Commission staff has a clear understanding of the submittal, and to initiate dialogue regarding the issues and concerns raised by our initial review, we request that the County provide a response to the following questions and observations:

A. Ordinances to Implement Scenic SRA's

Section 23.04.190 of CZLUO is not, but should be amended, to implement fence restrictions imposed by area plan (p. 8-11).

Why is the proposed ordinance to implement scenic SRA's (p. 2) in Chapter 4 (Site Design Standards), rather than Chapter 7 (Combining Designations)?

Demonstration that development in scenic SRA's (p. 2) will not be visible should be based on existing contours and vegetation. Views from public parks should apply to this evaluation. Consider requirement for flagging/storypoles.

Minimum requirements for legal documents protecting scenic conservation areas are needed (p. 3). Proposed limit on access provisions within such agreements does not carry out Coastal Plan Access Policies.

B. Ordinances to Implement TDC programs

What is the method of calculating credits and density bonuses (p. 6)? Such a methodology, and resolution of ESHA conflicts, is not adequately spelled out by area plan (p. 6-38).

C. Updates to Drainage Ordinance (p. 7-8)

Reference to existing ordinance incorrectly states subsections e and f were added during Periodic Review - only subsection e (which has two parts, i and ii) was added.

There is no measurable means of implementing proposed standard h calling for impervious surfacing to be minimized.

D. Update to Appealability Ordinance (p.9)

Submittal includes some changes that have already been certified per SLO LCP 1-03. Proposal to exclude unmapped ESHA conflicts with Periodic Review recommendations.

Update to CZLUO ESHA definition (p. 10 – 11). Please clarify the purpose and affect of having different definitions for mapped and unmapped ESHA. Please also resolve the differences

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C-2
h

between the definition of ESHA proposed in the CZLUO amendments, and the definition of ESHA proposed in the Glossary attached to the Estero Update.

IV. Additional Information Needed to Process Part 4 of LCPA 2-04 (Monarch Grove USL Adjustment)

Please refer to subsections II.B.5. of this letter regarding the Los Osos Urban Service Line

V. Conclusion

Commission staff values the opportunity the work with the County on this important LCP amendment submittal. In the interest of maximizing opportunities for staff level coordination on the significant issues involved, we have attempted to be as detailed and comprehensive as possible in this information request. Nevertheless, new issues are likely to arise as our review progresses, and may trigger the need for additional information. One issue that will require further review is whether the Update fulfills the Periodic Review Implementation commitments and requirements previously established by the County and the Commission. We welcome any information you can offer on this topic, and look forward to collaborating with the County towards resolution of these matters.

Sincerely,

Steve Monowitz
District Manager

A handwritten signature in black ink, appearing to read 'Kami Griffin', located in the bottom right corner of the page.